

4.00 GENERAL OPERATIONAL POLICIES

4.01 DISCLOSURE, RELEASE OF INFORMATION & SUBPOENA PROCEDURES

Revised 7/11

- I. **GENERAL:** Records maintained by the probation office are used for the supervision of defendants/offenders and in the preparation of pretrial, presentence and post-conviction reports; they are not depositories of official court records. It is a general policy that the disclosure of records maintained by the probation office will not be considered for release to any agency or individual to which an agreement of reciprocity has not been established. The probation office follows the rules of confidentiality imposed by the Guide to Judiciary Policies and Procedures, Vol. 8, and Rule 32.1.(c) of the Local Rules of Procedure for the District of Idaho wherein authority for discretionary release of information is delegated to the Chief Probation Officer. In accordance with Title 5 U.S.C. § 552(b), probation records are specifically excluded from Freedom of Information Act requests.

- II. **POLICY:** The Chief Probation Officer has authorized the release of written or oral summarizations of records, at the discretion of the probation officer, provided the release of such information is in conformity with Rule 32.1(c). The Chief Probation Officer has authorized the release of records by the probation office to any agency or individual who has a legal, investigative, or custodial interest in the subject, at the discretion of the probation officer, when a written request is made specifying the record to be released and its intended purpose. The Chief Probation Officer has authorized the release of probation records to agencies with a therapeutic interest and/or contract vendors, at the discretion of the probation officer, provided the individual has signed an Authorization to Release Confidential Information (PROB 11B and/or PROB 11I). Requests by agencies or individuals outside the scope of Rule 32.1(c) are governed by Rule 32.1(c)(2) and require the party to file a written petition with the Court establishing with particularity the need for the specific information. (Rule 32.1(c)(2) requests may be released only by the Chief Probation Officer.) If the request for records is made by subpoena, the Chief Probation Officer must be notified.

- III. **PROCEDURE:** The Chief Probation Officer will respond to requests from third parties, the general public or the media. The Chief Probation Officer, or designee, will respond to all closed file requests as well as subpoena requests; probation officers will respond to open files under their supervision or investigation, at their discretion, provided the requests are in conformity with Rule 32.1(c).